

02/20/2019

WEDNESDAY

Judge Peter C McKittrick

2:00 PM 18-32288 pcm 7 bk

Three J's Distributing, Inc.

**Hearing re: Proposed Motion/Notice of Intent to Incur Expenses;
Order Theron**

Rodolfo A Camacho - tr x

DAVID W CRISWELL

K Knutson x

Jonathan Radamacher x

Evidentiary Hearing:

Yes: ☐

No: ☒

The court will not sign the attached proposed Motion/Notice of Intent to Incur Expenses for reasons stated on the record.

Order to be prepared by: ☐ Clerk's Office ☐ Chambers ☐

DOCKET ENTRY:

Run Date: 02/20/19

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re) Case No. 18-32288-pcm7
)
Three J's Distributing, Inc.) **Motion and Notice of**
) **Intent to Incur Expenses;**
) **and Order Thereon**
Debtor(s))

1. The undersigned trustee, Rodolfo A. Camacho, moves for an order authorizing the payment of the following expenses from property of the estate as follows:

<u>Payee</u>	<u>Item (include explanation)</u>	<u>Amount</u>
Bennington & Moshofsky, P.C.	Administration and termination of retirement plan and prepare/file various tax documents.	\$30,000.00
ADP	Preparation and processing of W-2's, W-3's, and other tax/payroll functions they have regularly performed for Debtor.	\$10,000.00

2. The foregoing expenses are justified by the following facts:

As is the case with most tax/retirement plan issues, time is of the essence. There is currently a 401(k) plan, which needs to be administered/terminated by the estate. In addition, the estate needs to prepare/file various tax documents for the Debtor, including but not limited to the 2018 Federal Corporate tax returns, W-2s for employees, potential 1099s, 940's, 941's, and their State of Oregon counterparts.

The estate currently holds \$724,184.88 in funds, collected for various assets in the case. Although their UCC filing had previously expired, Creditors Christopher and Sheryl Church are claiming a lien on funds held by the estate (see Adv. Proc. 18-03123). The trustee has contacted the counsel for the Churches (Jonathan Radmacher), in an effort to confer, and enter into a stipulation, thereby allowing the estate to use the current funds to secure payment to its accountant and ADP, prior to substantial work being performed. Mr. Radmacher responded that Mr. and Mrs. Church will not stipulate to the estate's use of the funds being held. Due to their rejection to stipulate, and because time is of the essence, an expedited hearing is requested.

IT IS ORDERED, AND NOTICE IS GIVEN, that the trustee may incur and pay the above expenses from estate funds without further notice or court order, unless within 23 days of the date in the "Filed" stamp, an interested party:

(1) files a written objection, setting forth the specific grounds for the objection, with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401; and

(2) serves the objection on the trustee at:

Rodolfo A. Camacho, Trustee
PO Box 13897, Salem, Oregon 97301

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Date: 02/19/2019

/s/ Rodolfo A. Camacho
Trustee